

FILED

AO 91 (Rev. 11/11) Criminal Complaint

APR 14 2020

UNITED STATES DISTRICT COURT

for the

Western District of Texas, Pecos Div.

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY JH

DEPUTY

United States of America

v.

Case No. 4:20-MJ-841

See Attachment

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 4/13/2020 in the county of Culberson in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*18 U.S.C. § 2(a)
21 U.S.C. § 841(a)(1)Aided & abetted by others, knowingly or
intentionally and possess w/intent to
distribute appx. 72.3 kg./159.3 lbs. of
marijuana.

This criminal complaint is based on these facts:

See Attachment:

 Continued on the attached sheet.

Complainant's signature

Eric Banegas, Task Force Officer

Printed name and title

Judge's signature

Ronald C. Griffin, U.S. Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/14/2020City and state: Pecos, Texas

ATTACHMENT

Defendants:

- (1) Gabriel Fernando OLIVARES
- (2) Carlos Alberto ARAUJO-Gastelum
- (3) Humber Josbel ARAUJO-Vega
- (4) Marcelo HERNANDEZ-Araujo

FACTS:

On April 13, 2020, at approximately 2:50 AM, United States Border Patrol agents were patrolling the Van Horn, Texas area of responsibility in Culberson County, in the Western District of Texas. A USBP agent observed a dark colored sport utility vehicle drive south on Golf Course road on the West side of Van Horn, Texas. The USBP agent knows Golf Course road to be restricted and closed to public use outside of normal business hours, in addition to knowing that the same area is a common loading spot for illegal alien and illegal narcotic smuggling.

The USBP agent followed the vehicle eastbound toward Interstate 10 and requested a registration check on the Texas license plate GXK7876. The vehicle was identified as a 2007 Cadillac Escalade registered out of Fort Worth, Texas. The agent noticed several hand prints on the tailgate of the vehicle as if it were used recently. The Cadillac did not show any crossing through the USBP Sierra Blanca Checkpoint. Through the agent's field experience, the agent knows it to be common practice in the area for smugglers to travel from eastern areas to Van Horn, pick up illegal contraband, and return east bound to avoid the USBP Checkpoints.

At approximately 3:00 AM, the USBP agent initiated his emergency lights and conducted a vehicle stop near mile marker 143 on Interstate 10, east of Van Horn, Texas. The agent approached the vehicle and asked the driver to lower his rear driver-side window for safety concerns. The agent observed two additional passengers in the second row, along with several large rectangular burlap bags that were consistent with narcotics smuggling in the area. The driver was identified as Gabriel Fernando OLIVARES, who admitted to being a United States citizen. The remaining three passengers admitted to being citizens of Mexico and were not in possession of documents allowing them to remain in the United States legally.

Additional USBP agents, along with assigned canine, arrived to assist the investigation. A canine sniff of the three burlap bags yielded a positive alert for the presence of concealed humans and/or narcotics. All four individuals were placed under arrest and transported to the USBP Van Horn Station for further investigation and processing.

After arriving at the USBP Van Horn station the three passengers were identified as Carlos Alberto ARAUJO-Gastelum; Humber Josbel ARAUJO-Vega; and Marcelo HERNANDEZ-Araujo. The contents of the burlap bags revealed a green leafy substance, which tested positive for the properties and characteristics of marijuana. The total weight of the marijuana was 72.3 kilograms (159.3 pounds). The Big Bend Sector Border Intelligence Center was notified of the seizure and contacted The Drug Enforcement Administration (DEA) Alpine Office.

On April 13, 2020, Task Force Officer Eric Banegas and Special Agent Idowu Odutola of the DEA Alpine Resident Office responded to the USBP station in Van Horn, TX, to assist with the investigation. Each subject was advised of his rights individually, via DEA-13b. Three of the subjects invoked their right to having an attorney present. Humber ARAUJO-Vega agreed to speak with agents without an attorney present. ARAUJO-Vega admitted that he, ARAUJO-Gastelum and HERNANDEZ-Araujo smuggled the marijuana into the United States from Mexico with the intent to deliver for financial gain. ARAUJO-Vega

also admitted that the driver, OLIVARES, had picked up his group and the bundles that same day in Van Horn, Texas.



April 14, 2020

Eric Banegas
Task Force Officer
Drug Enforcement Administration

Sworn before me, and subscribed in my presence,


Ronald C. Griffin
United States Magistrate Judge